

REMARKS

In the Office Action¹, the Examiner objected to the specification because of informalities; rejected claim 8 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter; rejected claims 1, 2, 4, 6, and 7 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,393,162, to Higurashi ("*Higurashi*"); rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over *Higurashi* in view of U.S. Patent No. 5,465,163 to Yoshihara et al. ("*Yoshihara*"); rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over *Higurashi* in view of U.S. Patent No. 6,075,905 to Herman et al. ("*Herman*"); and rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over *Higurashi*.

Applicants have amended the specification and claims 1 and 3-8, and canceled claim 2. Claims 1 and 3-8 remain pending.

Applicants have amended the specification in accordance with the Examiner's suggestions. Accordingly, Applicants respectfully request the objection to the specification be withdrawn.

Regarding the rejection of claim 8 under 35 U.S.C. § 101, Applicants have amended the claim. Therefore, Applicants respectfully request the rejection under § 101 be withdrawn.

Applicants respectfully traverse the rejection of claims 1, 2, 4, 6, and 7 under 35 U.S.C. § 102(b) as being anticipated by *Higurashi*.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Claim 1 as amended recites:

1. An image processing apparatus for generating a wide-angle picture by overlapping three or more pictures captured at different visual points, each picture including a part of at least one other picture, the image processing apparatus comprising:

an overlap detecting means for detecting an overlap portion of a first picture and a second picture within the wide-angle picture;

a comparing means for comparing pixel values between pixels of the first and the second pictures in each of the overlap portions within the wide-angle picture;

a splicing means for performing a splicing by shifting the overlap portions based on the comparison by the comparing means;

a difference calculating means for calculating the absolute value of differences in pixel values, for each color component, between the first and second picture pixels identical in position on the wide-angle picture in each of the overlap portions,

wherein the comparing means compares the sum of the absolute values from all of the overlap portions with a first predetermined threshold.

Higurashi does not disclose at least the comparing means, the splicing means, and the difference calculating means as recited in amended claim 1.

Higurashi discloses: "angle-of-view calculating portion 30 incorporates interpolation calculating portions 42a and 42b for interpolating *images A and B*; . . . a correlation calculating portion 43 for calculating, as an evaluation value, mutual correlation, normalization mutual correlation or the sum of the absolute values of the difference which are generally used in matching of templates." (*Higurashi*, col. 10, lines 16-19.) *Higurashi* does not disclose "the sum of the absolute values from *all of the*

overlap portions,” as recited in amended claim 1 (emphasis added). *Higurashi* discloses the sum of absolute values from a single overlap portion made up of the overlap of images A and B.

Accordingly, *Higurashi* cannot anticipate claim 1. Independent claims 6-8, though different in scope than claim 1, are allowable over *Higurashi* for at least the same reasons as claim 1. Claims 2-5 depend from claim 1, and thus, are allowable over *Higurashi* for at least the same reasons as claim 1.

Applicants respectfully traverse the rejection of claim 3 under 35 U.S.C. § 103(a) as being unpatentable over *Higurashi* in view of *Yoshihara*. A *prima facie* case of obviousness has not been established.

Claim 3 depends on claim 1 and thus is allowable over *Higurashi* for at least the same reasons as claim 1. *Yoshihara* fails to cure the deficiencies of *Higurashi*. Neither *Yoshihara* nor *Higurashi* disclose at least the comparing means, the splicing means, and the difference calculating means as recited in claim 1, on which claim 3 depends.

Yoshihara discloses the “digitized first image data are subjected to a series of processing, such as providing density data by performing black level correction, white level correction and logarithmic transformation.” (*Yoshihara*, col. 11, lines 52-55.) *Yoshihara* does not disclose performing a “logarithm transformation of the sum [of the absolute values from all of the overlap portions],” as recited in claim 3.

Accordingly, *Higurashi* and *Yoshihara* fail to render the subject matter of claim 3 obvious.

Applicants respectfully traverse the rejection of claim 5 under 35 U.S.C. § 103(a) as being unpatentable over *Higurashi* in view of *Herman*. A *prima facie* case of obviousness has not been established.

Claim 5 depends on claim 1 and thus is allowable over *Higurashi* for at least the same reasons as claim 1. *Herman* fails to cure the deficiencies of *Higurashi*. Neither *Herman* nor *Higurashi* disclose at least the comparing means, the splicing means, and the difference calculating means as recited in claim 1, on which claim 5 depends.

Herman discloses applying “a non-linear pre-filter to the input images” to “extract edge structure.” (*Herman*, col. 21, lines 40-43.) *Herman* does not disclose “the comparing means compares the sum of the misalignment widths for all of the overlap portions with a second predetermined threshold,” as recited in amended claim 5.

Accordingly, *Higurashi* and *Herman* fail to render the subject matter of claim 5 obvious.

Applicants respectfully traverse the rejection of claim 8 under 35 U.S.C. § 103(a) as being unpatentable over *Higurashi*. A *prima facie* case for obviousness has not been established.

Higurashi discloses the “angle-of-view calculating portion 30 incorporates interpolation calculating portions 42a and 42b for interpolating *images A and B*; . . . a correlation calculating portion 43 for calculating, as an evaluation value, mutual correlation, normalization mutual correlation or the sum of the absolute values of the difference which are generally used in matching of templates.” (*Higurashi*, col. 10, lines 16-19.) *Higurashi* does not disclose “calculating the absolute value of differences . . . in each of the overlap portions” and then “calculating the median value, for each color

component, of the absolute values," as recited in amended claim 8. *Higurashi* further does not disclose "the sum of the median values," and thus cannot disclose "comparing the sum . . . with a predetermined threshold," as recited in amended claim 8.

Accordingly, *Higurashi* fails to render the subject matter of claim 8 obvious.


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: June 26, 2008

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